

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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In re: Bair Hugger Forced Air Warming  
Products Liability Litigation

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MDL No. 15-2666 (JNE/DTS)

This Document Relates To:

*Rhoton, et al.*, 15-cv-4360-JNE-DTS  
*Lockwood*, 17-cv-0823-JNE-DTS  
*Connelly*, 17-cv-1084-JNE-DTS  
*Milam*, 16-cv-2125-JNE-DTS  
*Bloom*, 16-cv-2273-JNE-DTS  
*White*, 16-cv-2276-JNE-DTS  
*Johns*, 16-cv-4190-JNE-DTS  
*Oliver*, 16-cv-4247-JNE-DTS  
*Taylor*, 17-cv-0199-JNE-DTS  
*Wenzel*, 17-cv-4576-JNE-DTS  
*Hylas*, 17-cv-0967-JNE-DTS  
*Miles, et al.*, 17-cv-1235-JNE-DTS  
*Myers*, 17-cv-1327-JNE-DTS  
*Rangel, et al.*, 17-cv-1865-JNE-DTS  
*Ponder*, 17-cv-2666-JNE-DTS  
*Olsen, et al.*, 17-cv-3538-JNE-DTS  
*Weeks*, 17-cv-4527-JNE-DTS  
*Capone*, 17-cv-5274-JNE-DTS  
*Mencl*, 18-cv-0106-JNE-DTS  
*Davis*, 18-cv-0166-JNE-DTS  
*Ballaso*, 18-cv-0575-JNE-DTS  
*Gohl*, 18-cv-1571-JNE-DTS  
*Walters*, 18-cv-2764-JNE-DTS  
*Lovett*, 19-cv-0391-JNE-DTS

**DEFENDANTS' NINTH MOTION  
TO DISMISS FOR FAILURE TO  
COMPLY WITH PRETRIAL  
ORDER NO. 23, FED. R. CIV. P.  
41(b), AND 25(a), OR FOR LACK  
OF STANDING**

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Pursuant to Pretrial Order No. 23 and Federal Rules of Procedure 25(a) and 41(b),  
Defendants 3M Company ("3M") and Arizant Healthcare Inc. ("Arizant") (together,

“Defendants”) respectfully move the Court to dismiss the following actions with prejudice for failure to comply with Pretrial Order No. 23 and Fed. R. Civ. P. 25(a) and 41(b):

Case Number	Title	Firm Name
15-cv-4360-JNE-DTS	<i>Rhoton, et al. v. 3M Co., et al.</i>	Pittman, Dutton & Hellums, P.C.
16-cv-2125-JNE-DTS	<i>Milam v. 3M Co., et al.</i>	Kennedy Hodges, LLP
16-cv-2273-JNE-DTS	<i>Bloom v. 3M Co., et al.</i>	Pendley, Baudin & Coffin, LLP
16-cv-2276-JNE-DTS	<i>White v. 3M Co., et al.</i>	Paglialunga & Harris, PC
16-cv-4190-JNE-DTS	<i>Johns v. 3M Co., et al.</i>	Gustafson Gluek PLLC
16-cv-4247-JNE-DTS	<i>Oliver v. 3M Co., et al.</i>	Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, PA
17-cv-0199-JNE-DTS	<i>Taylor v. 3M Co., et al.</i>	Bernstein Liebhard LLP
17-cv-4576-JNE-DTS	<i>Wenzel v. 3M Co., et al.</i>	Schlichter Bogard & Denton, LLP
17-cv-0823-JNE-DTS	<i>Lockwood v. 3M Co., et al.</i>	Davis & Crump, P.C.
17-cv-0967-JNE-DTS	<i>Hylas v. 3M Co., et al.</i>	Bailey Peavy Bailey Cowan Heckaman, PLLC
17-cv-1084-JNE-DTS	<i>Connelly v. 3M Co., et al.</i>	Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, PA
17-cv-1235-JNE-DTS	<i>Miles, et al. v. 3M Co., et al.</i>	Kelley, Bernheim & Dolinsky LLC
17-cv-1327-JNE-DTS	<i>Myers v. 3M Co., et al.</i>	Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, PA
17-cv-1865-JNE-DTS	<i>Rangel, et al. v. 3M Co., et al.</i>	Brown & Crouppen, P.C
17-cv-2666-JNE-DTS	<i>Ponder v. 3M Co., et al.</i>	Brown & Crouppen, P.C.
17-cv-3538-JNE-DTS	<i>Olsen, et al. v. 3M Co., et al.</i>	Loncar & Associates, P.C.
17-cv-4527-JNE-DTS	<i>Weeks v. 3M Co., et al.</i>	Schlichter Bogard & Denton, LLP
17-cv-5274-JNE-DTS	<i>Capone v. 3M Co., et al.</i>	Bernstein Liebhard LLP
18-cv-0106-JNE-DTS	<i>Mencl v. 3M Co., et al.</i>	Langdon & Emison, LLC
18-cv-0166-JNE-DTS	<i>Davis v. 3M Co., et al.</i>	Johnson Becker, PLLC
18-cv-0575-JNE-DTS	<i>Ballaso v. 3M Co., et al.</i>	Gustafson Gluek PLLC
18-cv-1571-JNE-DTS	<i>Gohl v. 3M Co., et al.</i>	Jones Ward PLC
18-cv-2764-JNE-DTS	<i>Walters v. 3M Co., et al.</i>	Justinian & Associates PLLC

Defendants only move to dismiss the main plaintiff's claims in *Rhoton, et al.*, *Rangel, et al.*, and *Olsen et al.* Defendants do not move to dismiss their spouses' loss of consortium claims at this time.

Furthermore, Defendants respectfully move this Court to dismiss the following action without prejudice for lack of standing and for failure to meet the case or controversy requirement under Article III.

Case Number	Title	Firm Name
19-cv-0391-JNE-DTS	<i>Lovett v. 3M Co., et al.</i>	Brown & Crouppen, P.C.

As set forth in the Memorandum in Support of Defendants' Ninth Motion to Dismiss Cases for Failure to Comply with Pretrial Order No. 23, and Fed. R. Civ. P. 41(b) and 25(a), or for Lack of Standing, the above-referenced matters have failed to meet the requirements of this Court's Order and the federal rules, and dismissal is appropriate.

Dated: July 3, 2019

Respectfully submitted,

*s/Benjamin W. Hulse*

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